



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,875	04/16/2001	Mark Vange	CIRC015	5571

25235 7590 06/03/2005  
HOGAN & HARTSON LLP  
ONE TABOR CENTER, SUITE 1500  
1200 SEVENTEENTH ST  
DENVER, CO 80202

EXAMINER
----------

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/835,875	<b>Applicant(s)</b> VANGE, MARK	
	<b>Examiner</b> Nabil M. El-Hady	<b>Art Unit</b> 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2154

1. Claims 1-17 are presented for examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 14 claiming a system for rendering graphical information in a network environment comprising a network, application software, and a client interface. Claim 14 cites also part of processes for providing a first and a second network services. A system and a process or using the system cannot exist in the same claim. As such, the subject matter regarded as the invention is not clearly defined.

B. Claim 16 claiming a system for supplying rendered information in a network environment comprising, application software, and a client interface. Claim 16 cites also part of processes for providing first and second servers. A system and a process or using the system cannot exist in the same claim. As such, the subject matter regarded as the invention is not clearly defined

C. The following terms lack antecedent basis:

a) "the network server", claim 15, line 6 and line 8;

b) "the content", claim 15, line 5;

Art Unit: 2154

c) "the first network resource" claim 16, in lines 4-5,

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard M. Alder "Distributed Coordination Models for Client/Server Computing" April , 1955, hereinafter "Alder".

6. Alder is cited by the applicant in IDS paper filed 7/26/2002.

7. As to claim 7, Alder discloses the invention as claimed including a system for providing functionality over a network comprising: a plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (p 15, left column, 2<sup>nd</sup> parag); at least one network-

Art Unit: 2154

connected client computer (p15, left column, 2<sup>nd</sup> parag.); and a redirection component responsive to a client request for selecting a particular one of the connected servers that implements a set of functions suitable for responding to the client request (p 15, right column, 1<sup>st</sup> parag.; p15, right column, 2<sup>nd</sup> parag.; p16, left column, 2<sup>nd</sup> parag.; and p17, right column, 1<sup>st</sup> parag.)) and redirecting the requesting client to the selected server (handle-driven broker, pa7, right column, 2<sup>nd</sup> parag.; and Fig. 4b).

8. As to claim 8, Alder discloses a first connected server in communication with the client (p16, left column, 2<sup>nd</sup> parag.; and p17, right column, 1<sup>st</sup> parag.), a second network connected server in communication with the first network connected server (p16, left column, 2<sup>nd</sup> parag.; and p17, right column, 1<sup>st</sup> parag.), wherein the redirection component operates within the first server to identify and communicate with the second server to enable the first server to respond to the client request ( a forwarding broker, p17, right column, 1<sup>st</sup> and 2<sup>nd</sup> parags.; and Fig. 4a).

9. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujino et al. (US 6,085,222), hereafter "Fujino".

10. As to claim 14, Fujino discloses the invention as claimed including a system for rendering graphical information in a network environment (col. 1, lines 62-67; col. 5, lines 34-37; and Fig. 2) comprising: a network (Fig. 2), a first network service for accessing raw data from a data store (col. 5, lines 34-50), a second network service configured to obtain the raw data from the first network service over the network (col. 5, lines 63-66); application software in the second network service for rendering a graphic display of the raw data (col. 5, lines 45-50, 51-62); and a client interface in the second

Art Unit: 2154

network service for communicating the rendered graphic display from the second network service to a client application (col. 5, lines 45-50, 51-62).

11. As to claim 15, Fujino discloses the invention as claimed including a method for delivering customized content from one or more network services to a client (Fig. 2; and col. 1, lines 62-67) comprising the acts of: providing a plurality of network servers each providing access to a set of raw data (e.g. SERVER 10, Fig. 1); requesting the content from the network servers (col. 3, lines 25-33); causing the network server to incorporate the raw data into a usable format (col. 4, lines 31-58); and delivering the usable format from the network server to a client computer (col. 4, lines 55-58).

12. As to claim 16, Fujino discloses the invention as claimed including a system for supplying rendered information in a network environment (col. 1, lines 62-67; col. 5, lines 34-37; and Fig. 1) comprising: providing a first server for accessing raw data from a data store (e.g. SERVER 10, Fig. 1); providing a second server configured to obtain the raw data from the first network source (col. 5, lines 63-66); application software in the second server for transforming the raw data into a rendered format (col. 5, lines 45-50, 51-62); and a client interface in the second server for communicating the rendered format from the second server to a client application (col. 5, lines 45-50, 51-62).

13. As to claim 17, Fujino discloses the invention as claimed including a system for delivering functionality from a network resource (Fig. 1) comprising: a client machine coupled to a network (CLIENT 11), the client machine having a user interface and a preferred format for presenting data using the user interface (col. 3, lines 31-33; and col. 4, lines 47-54); a gateway machine coupled to the network and having a client interface

Art Unit: 2154

for receiving requests from the client and supplying responses to the client (GATEWAY G1 and/or G3; Fig. 1), the gateway machine having knowledge of the preferred format (col. 4, lines 5-8, 21-23); and formatting mechanisms within the gateway machine for receiving content in a first format from the network resource and reformatting the received content to a second format for communication to the client machine (col. 4, lines 47-57).

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alder.

16. As to claim 9, Alder does not necessarily disclose the first and second servers communicate with each other over an enhanced communication channel. Official notice is taken that the both the concept and advantages of providing an enhanced communication channel between the first and second servers is well known and expected in the art. It would have been obvious to one skilled in the art at the time of the invention to provide such enhanced communication channel in order for the first server (request broker / service request manager) to have direct communication with servers that are registered with their services.

Art Unit: 2154

17. Claim 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alder in view of Kawamura et al. (US 6,477,563), hereinafter "Kawamura".

1. As per claim 1, Alder discloses the invention substantially as claimed including a system for providing functionality over a network comprising: a plurality of network-connected servers, each providing access to a set of functions implemented by program components within the server (p 15, left column, 2<sup>nd</sup> parag); at least one network-connected client computer (p15, left column, 2<sup>nd</sup> parag.); and a redirection component responsive to a client request for the specified set of functions to redirect the requesting client to the selected server (p 15, right column, 1<sup>st</sup> parag.; p15, right column, 2<sup>nd</sup> parag.; p16, left column, 2<sup>nd</sup> parag.; and p17, right column, 1<sup>st</sup> parag. ).

18. Alder does not specifically disclose a shifting component within a management component coupled to each of the network-connected servers operable to shift data and program components between the network-connected servers so as to configure a selected server to implement a specified set of functions. Kawamura, on the other hand discloses a shifting component (12, Fig. 4) within a management component (1, Fig., 1) coupled to each of the network-connected servers (Node 10, Fig. 4) operable to shift data and program components between the network-connected servers so as to configure a selected server to implement a specified set of functions (col. 11, lines 38-42; col. 2, lines 48-53; and Fig. 28). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Alder and Kawamura because Kawamura management component with the shifting component of functions (agents) would provide Alder's system with flexible operation in response to status of the network at various points of time such as the reliability and bandwidth of the circuits that connect



Art Unit: 2154

the nodes and the node characteristics (see, Kawamura, col. 1, line 54 to col. 2, line 4; and col. 4, lines 29-65).

19. As per claim 2, Kawamura discloses the selected network server further comprises a data storage mechanism; processes responsive to client requests to accesses data in the data storage mechanism ; and processes operable to generate a response to the client requests using the accessed data ( 1, 3-7, Fig. 1).

2. As per claim 3, Kawamura discloses processes operating independently of client requests to update data contained within the data storage mechanism (2, Fig. 1 ).

3. As per claim 4, Kawamura discloses the data storage mechanism comprises a cache (1, Fig. 1 ).

4. As per claim 5, Kawamura discloses the program components implement a database management system interface (7, Fig. 1).

5. As per claim 6, Kawamura discloses the system wherein at least one of the network-connected servers is designated as a central authority for a particular set of functions and the program components implement processes for communicating with the central authority (Fig. 4).

20. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nepustil (EP 0828214 A2).

Art Unit: 2154

21. Nepustil is cited by the applicant in IDS paper filed 7/26/2002.

22. As to claim 10, Nepustil discloses the invention substantially as claimed including a system for implementing a web site (col. 1, lines 10-31) comprising: a first web server configured to provide a preselected set of content and service applications in response to client requests ( PRIM. SERVER 105, Fig. 1); a second web server configured to provide a preselected set of content and service applications in response to requests from the web server (SUPP. SERVER 106, Fig. 1; and col. 3, lines 18-26); a communication channel established between the first and the second web servers (110, Fig. 1), wherein the web site is implemented by delivering web pages from at least one of the first and second web servers by distributed and cooperative interaction using services and content provided by both first and second web servers (abstract, col. 2, lines 5-19).

23. Nepusil does not explicitly use the wording "web site" and "web server". However, he explicitly discloses servers supplying the requested information to the clients in the form of pages, where a page is a display of information in textual, graphical, scriptural, and/or other forms such as text object, picture object, script object, etc. (col. 1, lines 10-26). He also discloses that typically a server has a main page that serves as the entry point to the information and services which points to other pages and objects (col. 1, lines 27-32).

24. As per claim 11, Nepusil discloses the web site includes functionality that is implemented by service applications running on both the first and second web servers (abstract; and Fig. 2).

Art Unit: 2154

25. As per claim 12, Nepusil discloses the web site content is provided by the first web server and the web site functionality is provided by service applications running on the first web server (abstract; Load limit functionality).

26. As per claim 13, Nepusil discloses the web site content is provided by the second web server and the web site functionality is provided by service applications running on the first web server (abstract; Load limit functionality).

27. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

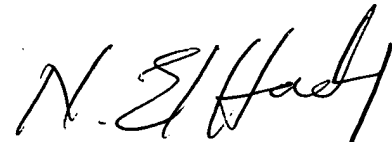
28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2154

May 31, 2005

A handwritten signature in black ink, appearing to read "N. El-Hady". The signature is stylized with a large, sweeping "N" and a long, vertical stroke extending downwards from the end.

Nabil El-Hady, Ph.D, M.B.A.  
Primary Patent Examiner  
Art Unit 2154